

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3: 21-CR-00013
)	
)	JUDGE CAMPBELL
CHARLES MALLORY)	

SENTENCING MEMORANDUM ON BEHALF OF THE UNITED STATES

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, Dwight Artis, and submits this sentencing memorandum on behalf of the United States in this case.

The Defendant pleaded guilty on May 10, 2021 pursuant to a plea agreement under Rule 11(c)(1)(C). (Doc. No. 31.) The plea agreement reflected that the parties agreed to recommend that the sentence imposed by the court should include a term of imprisonment of 120 months. After having reviewed the revised pre-sentence report the United States concurs with calculation of the advisory guideline range. The United States submits that a sentence that includes a term of incarceration of 120 months is appropriate and sufficient but not greater than necessary to achieve the ends of justice for this Defendant.

Specifically the United States focuses on § 3553(a)(2) subparts (A) through (C):

(2) the need for the sentence imposed—

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant

The United States submits that the Defendant's criminal history is inconsistent with the instant offense. His criminal history points come from a 2016 conviction for where an officer recovered a marijuana cigar from the Defendant's vehicle, and a 2020 conviction for Theft under \$1,000 where the Defendant was convicted for stealing multiple \$30 lottery tickets from a Mapco that he worked at. (PSR, ¶¶ 74-76.) The Defendant has neither felonies nor any convictions for crimes of violence. Despite having a difficult upbringing, for the majority of his life the Defendant appears to have been a law-abiding citizen.

Between November 26, 2019 to May 22, 2020, the Defendant committed a series of robberies where he stole money and cigarettes valued over hundreds of dollars. Five of the targets were gas stations/convenience stores and one was a federally insured bank. In four the robberies the Defendant pointed a firearm at the clerks placing them in direct fear for their lives. In another one, the Defendant produced an orange box cutter, and pointed it at the store clerk in a threatening manner before taking cigarettes and money from the store's register. During the bank robbery, the Defendant used a demand note in which he claimed to be armed with a firearm to threaten the clerk and convince the them to give him money out of the drawer. The Defendant's criminal conduct was both serious and dangerous. Through his actions the Defendant placed over eight victims, in terror that they could lose their lives. The Defendant also disrupted over six businesses ability to conduct legitimate business. This conduct demands a serious punishment.

Respectfully, the United States submits that that the Defendant's instant criminal activity demands sanction from this court. The Defendant requires specific deterrence from conducting further robberies (or any other criminal activity) when he goes back into the general public.

Therefore, the United States submits that a sentence which includes a term of incarceration of 120 months is sufficient but not greater than necessary to achieve these ends.

Respectfully submitted,

Mary Jane Stewart
Acting United States Attorney

By: /s/ Dwight Artis
DWIGHT ARTIS
Assistant U.S. Attorney
110 9th Avenue South
Nashville, Tennessee 37203
Phone: (615) 401-6610
dwight.artis@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing will be served electronically to counsel for defendant via CM/ECF on the 13th day of September 2021.

/s/ Dwight Artis
DWIGHT ARTIS